

REMARKS/ARGUMENTS

Claims 1-27 are pending in the present application. The Examiner has allowed claims 24-27. The Examiner has rejected claims 1-5, 7-9, and 11-21. The Examiner has objected to claims 6, 10, 22, and 23. Applicant has added new claim 28. Applicant respectfully requests reconsideration of pending claims 1-23 and 28.

The Examiner has rejected claims 1-5, 7-9, and 11-21 under 35 U.S.C. § 103(a) as being unpatentable over Sakamoto et al., U.S. Patent No. 6,075,767. Regarding claims 1 and 15, Applicant respectfully disagrees. Applicant submits the Examiner mischaracterizes the present invention as set forth in claims 1 and 15, stating, "...which provides egress data from the corresponding output to the first and second line cards based on routing information included in the egress data..." For example, claim 1 has been previously amended to read, "wherein the router uses routing information included in the egress data from the corresponding output to determine to which among the following group the egress data is provided: the first line card, the second line card, and both the first and the second line cards." As another example, claim 15 has been previously amended to read, "...wherein the router provides egress data from each output of the corresponding portion of the plurality of outputs to at least one of the plurality of line cards coupled to the line manager within which the router is included based on routing information included in the egress data." Applicant submits that the Examiner has not shown the existence of a suggestion in the prior art to modify the cited reference in a manner that would yield the claimed invention, as recited in claims 1 and 15.

Regarding claim 1, the Examiner has not identified any suggestion in the prior art to modify Sakamoto et al. or any portion of Sakamoto et al. that would suggest the amended text of claim 1 recited above. Regarding claim 15, the Examiner has not identified any suggestion in the prior art to modify Sakamoto et al. or any portion of Sakamoto et al. that would suggest the amended text of claim 15 recited above, particularly "...at least one of the plurality of line cards coupled to the line manager within which the router is included..." Rather, the Examiner's comments indicate that Sakamoto et al. teach away from the claimed invention. The Examiner states, "Sakamoto discloses that the first and second line cards (1-1 and 1-2) comprise a routing function..." In fact, the Examiner does not identify any teaching in Sakamoto or suggestion in the prior art of a "line manager within which the router is included." Thus, the alleged structure of Sakamoto et al. asserted by the Examiner teaches away from the structure recited in claim 15. Therefore, Applicant submits that claims 1 and 15 are in condition for allowance.

Regarding claims 2, 3, 16, and 19, Applicant previously submitted that the system of Sakamoto et al. addresses synchronization problems affecting switchover and that buffers typically introduce some propagation delay, which would seemingly exacerbate such synchronization problems in the context of Sakamoto's system. The Examiner responded, "Examiner believes that this argument is not relevant because it is directed to subject matter not found in the claims." Applicant respectfully disagrees. Applicant submits that such argument was asserted to show Sakamoto et al.'s incompatibility with the allegedly obvious modification proposed by the Examiner. Accordingly, Applicant submits that one of ordinary skill in the art would be disinclined to "add a buffer into the system disclosed by Sakamoto in order to control data flow in the system," as such an addition would appear to contradict the apparent purpose of the system of Sakamoto et al. Thus, Applicant submits that Sakamoto et al. teach away from the present invention as recited in claims 2, 3, 16, and 19. Therefore, Applicant submits that claims 2, 3, 16, and 19 are in condition for allowance.

Regarding claims 4 and 17, Applicant respectfully disagrees. Applicant cannot identify teachings of the limitations recited in claims 4 and 17 within the portion of Sakamoto et al. (col. 8, lines 28-67) cited by the Examiner. Thus, Applicant submits claims 4 and 17 are in condition for allowance.

Regarding claims 5 and 21, Applicant respectfully disagrees. While the Examiner cites portions of Sakamoto et al. that mention "failure" or "defect," Applicant believes that argument to be irrelevant because it is directed to subject matter not found in the claims. Applicant notes that the Examiner does not cite any portion of Sakamoto et al. that would disclose the limitations recited in claims 5 and 21. Thus, Applicant submits that claims 5 and 21 are in condition for allowance.

Regarding claims 7 and 20, extrinsic evidence is generally necessary to establish that an element or limitation is inherent. *Hazani v. U.S. Int'l Trade Comm'n*, 126 F.3d 1473 (Fed. Cir. 1997). The Examiner has cited no such extrinsic evidence. Together, the extrinsic evidence and the cited reference must make clear that the element or limitation at issue *necessarily* is present. *Mentor H/S, Inc. v. Medical Device Alliance, Inc.*, 244 F.3d 1365 (Fed. Cir. 2001). Applicant submits the Examiner has not set forth facts sufficient to prove such inevitability. Applicant notes that Sakamoto et al. purports to describe a system having utility yet Applicant cannot find mention in Sakamoto of any necessity of filters. Therefore, Applicant submits that claims 7 and 20 are in condition for allowance.

Regarding claim 8, Applicant respectfully disagrees. Applicant reiterates the reasons presented above with regard to claim 7 and submits that the limitation “filters are configured based on a register that determines the selected data types” cannot be met in absence of such filters. Thus, Applicant submits that claim 8 is in condition for allowance.

Regarding claim 9, Applicant respectfully disagrees. Applicant reiterates the reasons presented above with regard to claim 7 and submits that the limitation of claim 9 cannot be met in absence of “a filter corresponding to the active line card” and “a filter corresponding to the inactive line card.” Thus, Applicant submits that claim 9 is in condition for allowance.

Regarding claim 11, Applicant has presented reasons for the allowability of claim 1, from which claim 11 depends. Applicant submits that claim 11 is also in condition for allowance.

Regarding claims 12-14, Applicant has presented reasons for the allowability of claim 1, from which claims 12-14 depend. Applicant submits that claims 12-14 are also in condition for allowance.

Regarding claim 18, Applicant respectfully disagrees. Applicant submits that the Examiner mischaracterized the subject matter of claim 18. Applicant notes that the Examiner states, “...selectively providing the output data to at least one of the first and second line cards based on routing information included in the egress data.” Applicant further notes that claim 18 has been previously amended to recite “...using routing information included in the egress data to determine to which among the following group the egress data is provided: the first line card, the second line card, and both the first and the second line cards.” Applicant submits that the Examiner has not shown the existence of a suggestion in the prior art to modify the cited reference in a manner that would yield the claimed invention, as recited in claim 18. Therefore, Applicant submits that claim 18 is in condition for allowance.

The Examiner has objected claims 6, 10, 22, and 23 as being dependent upon a rejected base claim, but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has presented reasons for the allowability of the base claims and any intervening claims. Thus, Applicant submits that claims 6, 10, 22, and 23 are in condition for allowance.

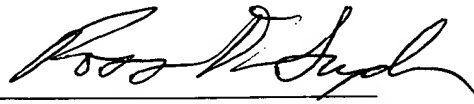
The Examiner has allowed claims 24-27. Applicant has added new claim 28. Applicant submits new claim 28 is in condition for allowance.

In conclusion, Applicant has overcome all of the Office's rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

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Date



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